

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Bertha Turner, )  
                        )  
Plaintiff,         ) Civil Action No. 8:12-cv-00456-JMC  
                        )  
v.                    )                           **ORDER**  
                        )  
Red Lobster Inns of America Inc., )  
                        )  
Defendant.         ) \_\_\_\_\_  
                        )

This matter is before the court on the Magistrate Judge's Report and Recommendation [Dkt. No. 34], regarding the *pro se* Complaint alleging a claim for wrongful termination based on race discrimination against Defendant. The Magistrate Judge's Report and Recommendation [Dkt. No. 34], filed on February 16, 2013, recommends that Plaintiff's Complaint [Dkt. No. 10] in the above-captioned case be denied and that Defendant's request for an award of its costs and fees in responding to Plaintiff's motion be denied. The Magistrate Judge's Report and Recommendation further recommends that the court decline to exercise supplemental jurisdiction over Plaintiff's remaining state law claims pursuant to 28 U.S.C. § 1337(c)(3). The Report and Recommendation sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423

U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff was advised of her right to file objections to the Report and Recommendation [Dkt. No. 34 at 5]. However, Plaintiff filed no objections to the Report and Recommendation within the prescribed time limits.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation [Dkt. No. 34]. It is therefore **ORDERED** that Plaintiff's Motion to Reopen Case [Dkt. No. 10] in the above-captioned case is

**DENIED** and that the Defendant's request for an award of its costs and fees in responding to the Plaintiff's motion is **DENIED**.

**IT IS SO ORDERED.**



United States District Judge

May 9, 2013  
Greenville, South Carolina